

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CHARLES EDWARD DAEDA,

Plaintiff,

v.

Case No. 2:20-cv-878-FtM-66NPM

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

---

**ORDER**

Before the Court is Plaintiff's Motion for Consolidation (Doc. 12). Pro se Plaintiff Charles E. Daeda seeks—pursuant to Federal Rule of Civil Procedure 42(a)—to consolidate this action with *Daeda v. Comm'r of Soc. Sec.*, Case 2:18-cv-156-MCR. Plaintiff asserts that both cases involve common questions of law or fact, and consolidation will avoid any conflict of interest, disparity, and different interpretations of the same subject matter. (*Id.*, p. 1).

Rule 42(a) permits a court within its discretion to consolidate actions that involve common questions of law or fact. Upon review of *Daeda v. Comm'r of Soc. Sec.*, Case 2:18-cv-156-MCR, a Judgment (Doc. 30) was entered and the case was closed on March 29, 2019. While a court has discretion to consolidate actions, it is improper for a court to consolidate a pending action with a closed action. *See*

*Mainstream Advert., Inc. v. Moniker Online Servs., LLC*, No. 17-CV-22714, 2017 WL 9672798, \*1 (S.D. Fla. Sept. 27, 2017) (denying a motion to consolidate a pending action with a closed action).

Accordingly, the Motion to Consolidate (Doc. 12) is **DENIED**.

**DONE** and **ORDERED** in Fort Myers, Florida on January 12, 2021.

  
\_\_\_\_\_  
NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE